



THE INTERIM

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LEGISLATIVE COUNCIL

Council to Meet in November... The Legislative Council's final meeting of the interim is Tuesday, Nov. 16 at 1 p.m. in Room 152 of the state Capitol. The tentative agenda includes reports on the legislative intern program, 2007 biennium revenue outlook, and recent court challenges to state statutes. In addition, members will approve prices for the 2005 Montana Code Annotated and assign sponsors for council legislation. For more information about this meeting, call Lois Menzies at (406) 444-3066 or send an e-mail message to lomenzies@mt.gov.

NOVEMBER PRESESSION SCHEDULE

The Legislative Council has set the following dates in November for the pre-session party caucuses, legislative rules workshop, and new legislator orientation:

Senate and House party caucuses	Wed., Nov. 17 at 9 a.m.
Legislative Rules Workshop	Wed., Nov. 17 at 1 p.m.
New Legislator Orientation	Wed., Nov. 17 (evening) through Fri., Nov. 19

An agenda for the legislative rules workshop and an agenda for new legislator orientation are shown below. More information about these events will be mailed to legislators shortly after the general election. If you have any questions, call Lois Menzies at (406) 444-3066 or send an e-mail message to lomenzies@mt.gov.

LEGISLATIVE RULES WORKSHOP

The Legislative Council invites all legislators and legislators-elect to attend a half-day workshop on the Rules of the Montana Legislature on Wednesday, Nov. 17. The workshop begins at 1 p.m. in the House chambers. The following program will be presented:

LEGISLATIVE RULES WORKSHOP

Wednesday, November 17, 2004

1 - 5:30 p.m.

Senate and House Chambers, State Capitol

- | | |
|---------------|-----------------------------------------------------------------------------------------------------------------|
| 1 - 1:15 p.m. | Welcome and overview |
| 1:15 - 2 p.m. | Panel discussion: Rules and the Legislative Process
(Or: Why Should I Care About Legislative Rules, Anyway?) |
| 2 - 2:45 p.m. | Joint Rules |

THE INTERIM

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THE INTERIM is a monthly newsletter that reports on the interim activities of legislative committees, including the Legislative Council, the Environmental Quality Council, the Legislative Finance Committee, the Legislative Audit Committee, and interim legislative committees and subcommittees staffed by the Legislative Services Division. Information about the committees, including meeting schedules, agendas, and reports, is found at <http://www.leg.mt.gov>. Follow the "Committees" link or the "Interims" link to the relevant committee. The newsletter is posted on the legislative branch website on the first of each month (follow the "Publications" link).

A Publication of  **Legislative Services Division**

2:45 - 3:15 p.m. Mason's Manual of Legislative Procedure

3:15 - 3:30 p.m. Break

3:30 - 5:30 p.m. Concurrent sessions (choose one): Senate floor rules or House floor rules

If you have any questions about the workshop, please contact Lois Menzies at (406) 444-3066 or lomenzies@mt.gov.

12:00 p.m. Lunch followed by agency fair

1:00 Breakout sessions:

- Ethics
- Lobbying and Lobbyists
- Handling Constituent Requests
- First Session: Lessons Learned (Tips and Tricks on Surviving Your First Session)

3:00 Break

3:15 Plenary session: Mock Committee Hearing and Floor Session

4:30 Adjourn

NEW LEGISLATOR ORIENTATION

The Legislative Council is once again sponsoring an orientation session for new legislators. The session kicks off at 7 p.m. on Wednesday, Nov. 17 and wraps up at 4:30 p.m. on Friday, Nov. 19. Here's the program:

NEW LEGISLATOR ORIENTATION November 17 - 19, 2004 State Capitol, Helena

WEDNESDAY, NOVEMBER 17, 2004

6:30 - 7:00 p.m. Registration opens

7:00 - 8:30 p.m. Reception for new legislators

THURSDAY, NOVEMBER 18, 2004

8:00 a.m. Program overview

8:15 Plenary session: "The Montana Legislature: Perspectives From Leadership"

9:30 Break

9:45 Breakout sessions:

- Pay and Benefits
- House and Senate Facilities and Staff (includes computer services)
- Preventing Discrimination

12:30 p.m. Lunch (onsite)

1:30 Capitol tour

2:30 Break

2:45 Breakout sessions:

- Legislative Services Division; Legislative Reference Center
- Legislative Fiscal Division; Legislative Audit Division

5:00 Adjourn for the day

FRIDAY, NOVEMBER 19, 2004

8:00 a.m. Opening and preview of the day

8:05 Plenary session: The Bill Drafting Process

8:45 Plenary sessions:

- Bills Mechanics
- Budget Basics

The orientation program is open to all legislators, but only new legislators (i.e., those who did not serve in the 2003 session) will be paid salary and expenses. If you have any questions, please contact Lois Menzies at (406) 444-3066 or lomenzies@mt.gov.

LEGISLATIVE FINANCE COMMITTEE

October Meeting...The Legislative Finance Committee (LFC) met on Oct. 7 and 8. The agenda and various reports are available on the Legislative Fiscal Division (LFD) website at <http://www.leg.mt.gov/css/fiscal/default.asp>. For further information, contact Clayton Schenck at cschenck@mt.gov or (406) 444-2986. The committee heard a variety of reports, many of which are described below.

Fire Costs Much Lower than Last Year...Staff presented an update on fire suppression costs in Montana for the 2005 biennium. Estimated fire costs for fiscal year 2005 are about \$3.0 million, of which \$ 0.8 million is reimbursable by the U.S. Forest Service and Bureau of Land Management. Payment for the remaining \$2.2 million will come from money received under the federal Jobs and Growth Tax Relief Reconciliation Act. In fiscal year 2004, the state incurred \$79.6 million in fire suppression costs, of which \$46.2 million was reimbursed by the Federal Emergency Management Agency, Forest Service, National Park Service, and the Bureau of Land Management. The remaining \$33.4 million of the state's share of costs was paid with JGTRRA money. For additional information contact Barbara Smith at basmith@mt.gov or (406) 444-5347.

General Fund Status....Based on current information, the state general fund will end the 2005 biennium with a balance of \$175.8 million, or \$129.6 million more than estimated. The projected fund balance is based on revised revenue estimates for fiscal year 2005 and incorporates revenue trends observed during fiscal year 2004. A detailed analysis of all revenue trends and the implications for the current biennium and the 2007 biennium is underway. The analysis will be the basis for the Legislative Fiscal Division's recommendations on revenue estimates to the Revenue and Transportation Interim Committee in

November. Fiscal year 2005 estimated revenues are greater than the budgeted disbursements. This indicates that the general fund account is "structurally balanced" in fiscal year 2005. If this condition holds throughout the fiscal year, the next Legislature should be able to develop a 2007 biennium budget that is based on the estimated growth in revenues for the biennium. However, if the next Legislature uses the fiscal year 2004 excess fund balance for on-going expenditures, a structural "imbalance" will be created in subsequent years. For further information contact Terry Johnson at tjohnson@mt.gov or at (406) 444-2952.

"Big Picture Report"...Each fall before the next legislative session, the Legislative Fiscal Division presents the "Big Picture Report" to the committee. The report provides an overview of present law revenues and expenditures for the next biennium. This year's report concluded that the Legislature, meeting in January, faces a much better budget outlook than it did during the 2003 session, when it faced a large general fund deficit. The better outlook is primarily due to strong growth in individual income taxes and oil and gas production taxes. The projected present law ending general fund balance for the 2007 biennium is \$277.8 million or \$205.9 million by taking into account a 2 percent ending fund balance reserve and allowances for fire suppression and emergency fund costs. This balance gives the Legislature more flexibility when setting priorities for a present law budget and more opportunities for new initiatives, including both new programs and tax policy changes.

It is important to keep in mind, however, that there are a number of areas that may substantially affect the 2007 biennium budget that are not included in the projections. These include possible 2005 biennium supplemental requests, a 2007 biennium pay plan, and pending litigation against the state such as the school funding law suit, in addition to several others areas identified in the report. The resolution of these issues could significantly reduce, or eliminate, the funds available for the 2007 biennium budget.

In addition, the Legislature needs to keep in mind the objective of maintaining a structurally balanced general fund. Achieving a structural balance means that not all of the projected general fund balance would be available for initiatives and funding of an ongoing nature. Only \$87 million would be available for ongoing expenditures, while \$118.8 million should either be held in reserve or used for one-time expenditures. The "Big Picture Report" was mailed to all legislators. For further information contact Terry Johnson at tjohnson@mt.gov or at (406) 444-2952.

Update on Highway State Special Revenue Account...Staff presented a report on the fiscal condition of the highway state special revenue account. Because Congress has yet to reauthorize long-term federal funding for highways, the future demands placed on the account to match federal highway funds are uncertain. With uncertain federal funding levels, the fiscal condition report focused on three scenarios that forecast the condition of the account under the current federal funding levels and the levels as

passed by the U.S. Senate and the U.S. House of Representatives. Because the federal funding levels passed by the two houses of Congress are nearly \$80 million different from each other on average for each year of a six-year funding period and because both levels are higher than current funding, the impact on the account varies significantly. The report (at http://leg.mt.gov/content/publications/fiscal/interim/financecmty_oct2004/hsra.pdf) predicts that, under certain assumptions, the account could experience a deficit in fiscal year 2008 under current federal funding levels, a deficit in fiscal year 2007 under funding levels proposed by the U.S. House, or a deficit in fiscal 2006 under funding levels proposed by the U.S. Senate. For questions on the report contact Greg DeWitt at gdewitt@mt.gov or at (406) 444-5392.

K-12 School Funding Court Decision: Fiscal Data Requirements/Options...Staff presented a report that identified the complexity of revising public school funding if the Montana Supreme Court upholds a District Court decision that the current state method of funding K-12 education is unconstitutional and that a new funding method must be adopted that takes into consideration educationally relevant factors in adequately funding a quality education. The report points out that there are few examples of successful funding methods developed by other states and that the prevailing acceptable methods of costing out adequate funding for a quality education are complex, time intensive, expensive, and have numerous weaknesses. The outcomes of studies by other states raise doubt about the reliability of study results. At the same time, the District Court appears to believe that such an approach is a significant and necessary improvement over our current system.¹ More broadly, the analysis of educational studies shows that several legislative policy decisions should probably be made before hiring a consultant or using other resources to meet the requirements of the school funding lawsuit. These include:

- defining educationally relevant factors, and determining if data are available on the selected factors;
- deciding upon a type of costing-out method;
- deciding if the defined educationally relevant factors require that new data be collected by the Office of Public Instruction (such as teachers wages and teacher characteristics);
- deciding on the scope of the study (i.e., in addition to a cost study, will it include a reconfiguration of revenues?).

¹In Finding 193, the District Court specified that the Professional Judgement approach "is much more reliable and accurate than the approach that was used in formulating the current system and the actions taken by the state in respect to funding since the enactment of HB 667."

These significant policy decisions cannot be made by fiscal division staff. Further, staff can do little to begin preparing to assist the Legislature in this task until the Legislature addresses these policy decisions and provides, at the least, a general direction for addressing the issues. The complexity of the task and the potential six to eighteen months needed to do an adequacy study, if deemed necessary, points out the time constraints when facing an Oct. 2005 deadline under the District Court ruling. LFD staff assumes it will play a significant role in assisting the Legislature in developing a new funding method for K-12 education, and will work to identify what baseline data would be useful in preparing for the session. In addition, staff will work to provide suggestions for facilitating the legislative process in this endeavor. Given the magnitude of this task, it is almost certain that additional staff resources will be needed. From options presented to the LFC, the committee indicated that it will wait for the Supreme Court decision, and instructed staff to collect pertinent data in anticipation of the needs of the Legislature. For further information contact Jim Standaert at jstandaert@mt.gov or at (406) 444-5389.

Medicare Modernization Act...Staff presented a report on the federal Medicare Modernization Act. See the Back Page article in the Oct. 2004 issue of **THE INTERIM** for an overview of the act. For further information contact Lois Steinbeck at lsteinbeck@mt.gov or at (406) 444-5391

IRIS Project...Jeff Brandt, the acting chief information officer for Montana, presented an update on major information technology projects. Brandt and Don Hoffman, the acting director of the Department of Revenue, discussed the status of the department's project to replace the Process Oriented Integrated System, as directed by SB 271 during the 2003 legislative session, with the Integrated Revenue Information System. The first phase of IRIS has been completed and has been successfully implemented to administer rental vehicle taxes, cigarette taxes, individual income withholding taxes, oil and gas production taxes, and lodging facilities use taxes. At the urging of the committee, the department is proceeding with the second phase of the project and has contracted with the vendor to add corporation license taxes and individual income taxes to the system. Funding has been provided by loans from the Board of Investments under the authority included in SB 271. Hoffman told the committee that by proceeding with the second phase of the project, the state would save money by maintaining the continuity of the project. Hoffman also said that the department would have to request additional funding to replace all portions of POINTS and would need legislative approval to make payments beyond the end of the current biennium for portions of the current project. For further information contact Greg DeWitt at gdewitt@mt.gov or at (406) 444-5392.

Options for Enhancing Montana's Budget Process...As a follow-up to a report given to the committee

at its Oct. 2003 meeting, staff presented some options for changes to the budget process. One option was for an interim committee to develop a better performance review in the budget process while minimizing the negative workload impacts. This option would entail a scaled-back performance-based approach, possibly focusing on only one or two policy areas or programs each budget cycle. A second option would incorporate into the proposed budget the 5 percent reduction plan required by 17-7-111(3)(f). An agency would submit its budget with a reduction equal to 5 percent of the base and would have to justify its restoration to the budget. This option would require legislation in the next session, but the change could not be implemented until the 2009 biennium budget. The third option related to statewide present law adjustments and whether the Legislature needs a more detailed explanation of increases reflected in the present law adjustments.

The committee requested a bill draft for implementing the second option. The committee also requested that a more detailed explanation of the statewide present law adjustments be presented to 2005 Legislature. For further information contact Jon Moe at jonmoe@mt.gov or at (406) 444-4581.

Finance Committee to Meet in November...The committee will meet for the last time this interim on Nov. 16 at 9 a.m. in Room 102 of the Capitol. The committee will focus on the following items:

- the approval of recommendations to the 2005 Legislature regarding "global issues" (primarily statewide present law adjustments) of the proposed 2007 biennium budget;
- approval of committee bill drafts;
- an update of the LFD analysis of the executive budget;
- an update on revenue collections; and
- an update on the Medicaid Redesign Project.

ENVIRONMENTAL QUALITY COUNCIL

Council May Meet During 2005 Session...The EQC completed its work for the 2003-2004 interim on Sept. 13 and 14. The EQC requested a bill draft (LC0395) to assess a fee against water rights holders for the purpose of funding Montana's water adjudication program. The EQC may schedule a meeting in January 2005 to consider the Water Court's on motion rules and the reliability of the Department of Natural Resources and Conservation's water rights database.

Minutes of past meetings, interim reports, papers, materials, proposed 2005 legislation, and additional information about the Environmental Quality Council are

available on the EQC website at http://www.leg.mt.gov/css/lepo/2003_2004/default.asp, or by calling (406) 444-3742 or by emailing eqc@mt.gov.

REVENUE AND TRANSPORTATION COMMITTEE

Committee to Adopt Revenue Estimates in November...The Revenue and Transportation Committee will meet Nov. 16 in Room 137 of the Capitol. (The meeting had been tentatively scheduled for Nov. 15.) The primary purpose of the meeting will be to adopt the initial revenue estimates for the 2005 legislative session. Other items on the

agenda include assigning sponsors for three committee bills (revising committee duties related to analyzing the taxation of previously regulated natural gas suppliers (LC0163); clarifying fund transfers of certain vehicle taxes and fees (LC0164); and revising the notice requirements in an action to quiet title to tax deed (LC0166). The Department of Transportation, as part of its executive program planning, will also ask the committee to request a bill draft to revise the fee for a term permit for a vehicle that exceeds a certain axle weight.

If you want more information about the committee, contact Jeff Martin at (406) 444-3595 or jmartin@mt.gov, or Leanne Kurtz at (406) 444-3593 or lekurtz@mt.gov

THE BACK PAGE

THE ART OF DEMOCRACY

by Sheri S. Heffelfinger,
Legislative Research Analyst

A WAR OF WORDS

Recently, I was watching the evening news. It was time for the top stories; and the top story was no surprise, an update on the war in Iraq. The news was not good. Continued battles with insurgents and yet more American service members, more Iraqi police, and more innocent Iraqi civilians killed and injured by attacks. The pictures of burning vehicles and smoke rising from the rubble everywhere were all too familiar.

After the brief update, the broadcast cut away to live coverage of the debate between President Bush and Senator Kerry. I, like many Americans, watched as these two men walked onto the stage, shook hands, posted themselves at their microphones, and delivered their arguments about who would be a better President of the United States and why. Their arguments were fierce, their words cutting. Neither candidate pulled any punches. Neither hesitated to fire harsh criticisms and to generally, and sometimes specifically, denigrate each other's truthfulness and sincerity. It was an intense battle, and I could not help but think that if their words had been weapons, the battlefield would have been littered with debris and smoke would have been billowing from all the destruction.

ENERGIZED TO FIGHT

I consider myself nonpartisan and have never aligned myself with any political party. But, to be human is to have strong feelings about certain things from time to time. Watching the debate, I found myself getting quite worked up about some of the rhetoric. Yes, me, someone who has never in my life wanted anything to do with campaigns, bumper stickers, buttons, or anything of the sort and who just votes quietly in the secrecy of the voting booth, then goes on with my routine. Yet, I began to experience a very unique feeling--an urgent feeling that, dare I say it, I needed to pick up a campaign poster, wave a party banner, shout out, stand up, and rush out to knock on doors to talk to people about how important it was to vote for . . . I'm not saying, not in a million years. (Thank goodness we have secret ballots and I need not divulge my personal political leanings.) Yes, I was actually worked up enough to draw out the weapons of a campaign and engage in the battles of election-year politics. But, what if I lived in a country with no tradition of campaigning and democratic elections? What then? What weapons could I draw? What would I do? (Actually, as a nonpartisan legislative staffer I am prohibited from picking up these weapons as a matter of professional ethics. I am dramatizing my actual reactions simply for the sake of making my point in this article.)

On my television screen the war of words was finally over and each candidate smiled, crossed the battlefield, and shook hands with . . . the enemy. My emotions flared. My candidate actually smiled and shook hands with the enemy! How could he do that!? After all the things that were said, how could he do that!? Then, the candidates' families came onto the stage, and the audience rose to their feet in applause. The families embraced. How could they do that to me!? I felt betrayed. I could no longer sit on the sidelines and watch. I had to get involved. I paused. Then I smiled. Well, perhaps the system had worked after all.

The news anchor immediately launched into a critique of the debate and asked for reactions from panels of analysts. Who won? What would the polls show in the morning? What would matter most to the voters when ballots were cast on November 2? What new or different battle lines had been drawn? Yes, this was American politics in all its glory. The battle lines were clear, the stakes were high, both sides in a must-win contest, and every weapon of argument was locked and loaded. Opposing armies of spin doctors faced off across the country and fired round after round into the field of battle. Yes, it was very messy.

CONTRASTING BATTLEFIELDS

But, then I thought of the alternative, and the enormity of what I had experienced hit me. I just sat there in my chair, staring into the television set, trying to process contrasting battlefields. On one battlefield, presidential candidates waived and smiled and claimed victory while the war of words was picked up by the party faithful and various news commentators. But, half-way across the globe, on another battlefield, the sun was just rising. It would be morning in Iraq. They, too, would be having a political debate, but the arguments would be deadly serious and the party faithful would be wielding deadly weapons. East of Iraq, on the other side of Iran, morning was also coming to a country at a cross-roads. Afghan women would prepare themselves for death, but not in battle, in an election. These women would wash themselves and pray to be ready to meet death if political adversaries struck the polling place, or worse, if their husbands found out they voted for the "wrong" candidate, or found out that they had voted at all. It was a battlefield in transition and the political debate was also deadly serious.

By the time you read this article, the election will be over. One of the presidential candidates will have won and the other will have lost (unless, of course, the presidential election is contested as in 2000 and legal battles ensue leaving the outcome in doubt for months--but, this is a topic for another day, or perhaps we will just be dusting off my previous Back Page article about vote counting in the 2000 election.) One side of our American body politic will feel greatly relieved, while the other side will be greatly distressed. But, the war of words will be over and we will go on with our lives and political strategists will confer to prepare battle plans for the next election.

I continued to stare blindly into the television set, letting the contrast sink in. What must it be like in those countries where democracy was struggling to take hold? How do people in these countries just go out and have an election? How do they "just do it", especially when the concept of "demos" is almost completely foreign to their culture and tradition?

THE ART OF WAR IN A DEMOCRACY

The master theorist on the art of war, Carl von Clausewitz, defined war as the continuation of politics by other means. He also wrote: "In one word, the art of war in its highest point of view is policy, but, no doubt, a policy which fights battles, instead of writing notes."¹ This election season in particular has made it vividly clear to me that if war is a continuation of politics (policy) by "other" means (i.e. force), then campaigns, debates, and elections are a continuation of politics (policy) by means other than war. If the art of war is how to fight battles instead of "writing notes", then the art of democracy is how to "write notes" and win elections.

Yes, I know. Equating the lofty ideal of democracy with the down-in-the-trenches electioneering seems to be equating a fine art with an unrefined, very messy business. During presidential election years it seems particularly messy because facts get spun in so many directions that everything seems like a lie and no one knows what to believe because fact seems indiscernible from fiction. Yet, we should step back for a moment so we can see how artful the electoral process really is. Sometimes it seems to me that campaigns and elections are so much a part of our culture and national identity that we tend to see the worst and become blind to the beauty. I know this is a hard sell, but if you cherish the idea of peaceful management of passionate conflict, then it is truly beautiful to see war being waged without a weapon of war being fired.

THE CHALLENGE FOR IRAQ AND AFGHANISTAN

Our democracy is well-established, and while we may have moments in our history, as in 2000, where we argue over how a dimpled chad should be counted, we will not only survive, but we will survive in peace. This is our greatness. But, think about countries like Iraq and Afghanistan. Most of us cannot even begin to appreciate the enormity of the challenge Afghanistan has faced and Iraq is facing to hold elections. They have no democratic tradition or heritage to call upon, and the notion of self-government is foreign to their basic culture. Yet, to manage conflict and render rule by violence obsolete, the people will need to learn how to engage in a new war, a war of words, a war where the art of the war is effective debate and electoral choice.

But, how does a country like Iraq or Afghanistan even begin to craft an electoral system to replace warring factions and tribal violence, especially in the midst of terrorist-aligned groups willing to exploit any situation to its own advantage? How do they make it happen?

GUIDING PRINCIPLES OF DEMOCRATIC GOVERNANCE

Political scientists have dissected the various democratic experiments conducted in numerous national laboratories. They have identified key principles and translated them into concrete electoral functions that are essential to any healthy democracy. If you, like me, are proud of America's democratic heritage, but are unaware of the principles that guide a healthy democratic election process, you might find the following list of principles useful. These principles are adapted from a list published by the Administration and Cost of Elections (ACE) Project² and are as follows:

- elections (for the national legislative body) should result in a parliamentary body representative of the various geographic, ideological, and demographic characteristics of the nation;
- the elections should be accessible and the results need to be accurately tallied (people need to be able to get to the polling place and ballots need to be easily read, understood, cast, and counted);
- elections should be meaningful and provide legitimacy (votes should translate to real rather than token power, the integrity of the process must be protected, and the outcome needs to be received as legitimate);
- there should be incentives for conciliation between hostile parties (the process should provide divergent factions with a reason to seek support outside of their special interests, which helps manage conflict by encouraging opposing factions to seek common ground);
- elections should promote, not undermine, stable and effective government, meaning that there should be an appropriate balance between change and continuity;
- elections should promote accountability, which means that unhappy constituents should be able to hold their representatives accountable;

¹Clausewitz, *On War*, J.J. Graham translation published in London in 1873, Chapter VI. Quote taken from an on-line version of the book without page numbers but posted at www.clausewitz.com.

² The ACE project is a partnership by the International Foundation for Election Systems (IFES), the International Institute for Democracy and Electoral Assistance (IDEA) and the United Nations Department of Economic and Social Affairs (UNDESA) to provide a globally accessible information resource on election administration. The information and data taken from the ACE Project for this article came from their website at www.aceproject.org.

- the electoral process should support the establishment of broadly-based political parties, which are more likely to reflect mainstream differences rather than entrenched special interests;
- the electoral process should help ensure a viable opposition that can critically assess the actions of those "in power", protect minority rights, and hinder the establishment of a "winner take all" mentality (those "out of power" should still have a valuable role); and
- the electoral system should match the nation's actual financial, technical, and administrative capabilities, while still striving to achieve the above goals.

You may have noticed that some of these principles seem to overlap or conflict. For example, a balance must be stricken between being responsive to divergent interests and the need to ensure broad-based representation, stability, and continuity. Yet, this creative tension is what the art of democratic governance is all about.

WHICH ELECTORAL SYSTEM IS BEST?

Imagine being a national leader in Afghanistan or Iraq and sitting down at the table to craft an electoral system that will form the foundation of your democracy for the future of your country. The stakes could not be higher. Succeed, and you have averted civil war. Fail, and you have missed an opportunity for peace that may not come again in a long while. Set up a dysfunctional system and you have built in the inequities and rifts you have been trying to heal. How will you translate these guiding principles into concrete functions? How will you allocate seats and draw your district boundaries? What electoral formula should you use to translate votes into representation? What about voter registration, ballot design, vote counting, referendums, initiatives, and the rest? How will you balance political, religious, and ethnic tensions in a manner acceptable to all?

There are hundreds of different ways to translate the above principles into electoral systems and dozens of variations on each of those ways. In each system, some of the principles will be weighted as more important than others, but the hope is to craft a system that will ensure a viable democracy to not only resolve current violent conflicts, but to withstand future crises.

Experts have grouped all the various electoral systems into broad categories, each with their own subcategories, as described below.

- *Majority-plurality systems* require that candidates must capture a majority of or the highest number (a plurality) of total votes in order to win, such as in the United States, United Kingdom, and Canada. These systems include the following subcategories of

systems:

- *first past the post systems* means that the candidate with the most votes wins and it includes many variant systems based on this concept;
- *block vote systems* are used in multi-member districts and involve voters having as many votes as there are open seats;
- *alternative vote systems* involve voters identifying first, second, and third choices, the candidate with the lowest number of first preference votes is eliminated, second choice votes are counted and allocated among the remaining candidates, and so on, until one of the candidates receives an absolute majority of the votes; and
- *two round systems*, otherwise known as run-off systems, where if no candidate wins an absolute majority of votes in the first round, a second round of voting ensues in a run-off;

- *Semi-proportional systems* translate the number of votes received into seats in the governing parliament, but not strictly. Such systems use a formula that provides more proportional representation than a majority-plurality system, but does not achieve the level of proportionality achieved in the more strict proportional systems. (Your guess is as good as mine about how exactly semi-proportional systems work, but the voting systems in Japan, Russia, and Jordan, to name a few, fall into this category of systems). The subcategories of these systems include the following:

- *single non-transferable systems* give each voter one vote but multiple seats must be filled so the candidates who receive the highest number of votes simply fill the open seats;
- *parallel systems* involve the use of districts where seats are filled by both a majority vote system and a proportional representation system; and
- *limited vote systems* involve multi-seat districts where voters have more than one vote but a lesser number of votes than open seats; it is between a single nontransferable system and a block vote system.

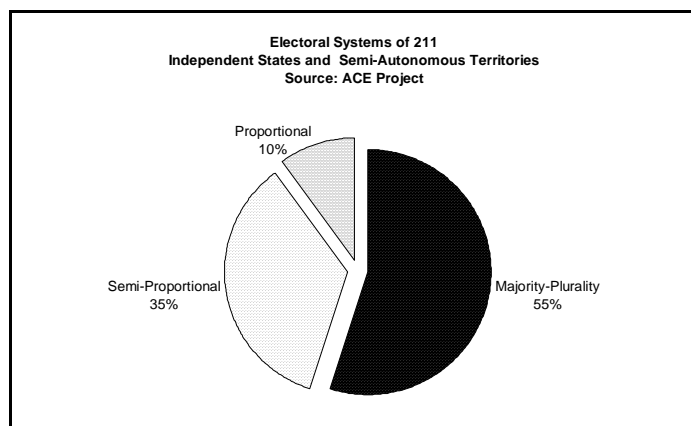
- *Proportional systems* attempt to achieve proportionality between the percentage of votes cast

and the percentage of parliamentary seats allocated within the governing body. These systems are becoming common for new democracies, are dominant in Latin America and Western Europe, and make up one-third of all the systems in Africa. These systems include the following subcategories:

- list proportional representation *systems* involve electors voting for one of the parties on a list and the percentage of votes received by each party translates directly to the number of seats the party fills in the parliament;
- *mixed-member proportional systems* use a combination of a majority and proportional system; and
- *single transferable vote systems* use multi-member districts where voters rank candidates similar to in the alternative vote system, but second preferences are optional and a formula is used to calculate the quota of votes required to elect a candidate to an open seat in a multi-seat district;

This may be more than you ever wanted to know about electoral systems, especially given that each of the subsystems described above has its own variations and subcategories. The point is not to make you an electoral system expert, but to help you appreciate the complexities of crafting a new national electoral system which will form the foundation of a country's democracy.

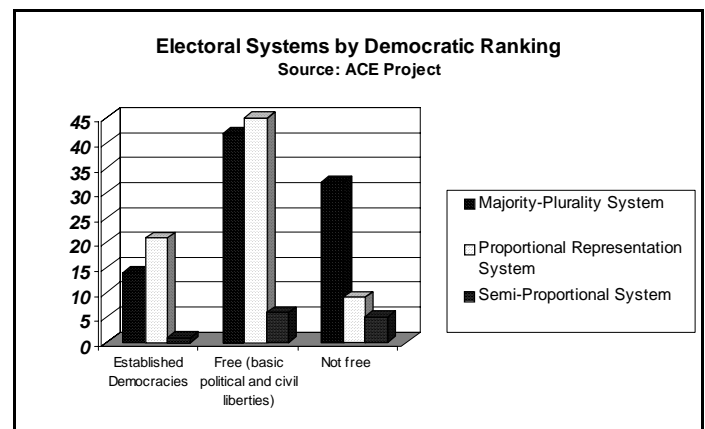
The pie chart shows that the majority-plurality system is the most common system among 211 independent states and semi-autonomous territories.



A strong word of caution is needed. While an electoral system is a fundamental element of democracy, having an electoral system does not guarantee freedom or liberty. The

ACE Project does not rate the health or legitimacy of the electoral process used in any of these countries and territories. Furthermore, according to the ACE project, there really is not any single more popular type of electoral system among the "free" world, though the project notes that there seems to be a disproportionate number of plurality-majority systems in the "not free" world. Sadly, of the 211 total independent states and semi-autonomous territories included in ACE Project studies, only 36 of the states or territories are considered to have established democracies with healthy systems, 98 are considered to be "free" in the sense that the state or territorial government generally respects certain basic civil liberties and human rights, but the actual electoral system they have may or may not be healthy, and 46 states or territories are considered "not free;" that is, the elections are essentially meaningless.

The graphic below illustrates how the electoral systems break out under each democratic ranking. Suffice it to say that too few of us seem to adequately appreciate our own electoral system, let alone appreciate the systems used in other countries. But, whichever electoral system a nation uses, the underlying concept fundamental to any democracy



is the concept of "demos".

NEW RESPECT

Therefore, whatever the outcome of our own presidential elections, I hope we will walk away with a more profound appreciation of the challenges faced by emerging democracies and the options for improving our own democracy, especially given that very close presidential elections may become more the norm rather than the exception. In any event, I know that for me, rather than disparaging all the spin-doctoring, campaign rhetoric, and electioneering this year as merely the unfortunate byproduct of our democratic tradition, I have gained a new respect for the art of democracy. The next time I sit in my living room watching two political adversaries wage a verbal war and I get all worked up and angry, I will cherish the fact that when the war is over, arch enemies will shake hands on a battlefield of peace.



INTERIM CALENDAR

UNLESS OTHERWISE SPECIFIED, ALL ROOM DESIGNATIONS ARE IN THE CAPITOL

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
November 2004						
	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16 Rev. and Trans. Comm, Room 137, 9 a.m. Legislative Council, Room 152, 1 p.m. Leg. Finance Comm., Room 102, 9 a.m. Leg. Audit Comm., Room 472	17 House and Senate caucuses, 9 a.m. Legislative rules workshop, 1 p.m. New legislator orientation, evening	18 Leg. Audit Comm., Room 472 New legislator orientation, all day	19 New legislator orientation, all day	20
21	22	23	24	25	26	27

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
28	29	30				

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
December 2004						
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23 Deadline for preintroduction of bills requested by state agencies, except for newly elected officials	24	25
26	27	28	29	30	31	

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